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Patent Department

Facsimile Cover Sheet

TODAY'S DATE: November 2, 2005

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To: Examiner G. Shameem

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THIS MESSAGE IS FROM:

Name: Mollie M. Yang

Phone No.: (732) 594-6343

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RE: Serial No.: 10/502,380

Carl Berthelette, *et al.*

Filed: January 22, 2003

FLUORO SUBSTITUTED CYCLOALKANOINDOLES,
COMPOSITIONS CONTAINING SUCH COMPOUNDS AND
METHODS OF TREATMENT

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING COVER): 4

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Patricia A. Reichart @ (732) 594-4679

As discussed, please find attached the IDS Letter and IDS 1449 Form pertaining to the above-referenced case. All non-US References cited in this IDS are being forwarded via First Class Mail.

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November 2, 2005

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carl Berthelette, et al.

Serial No. 10/502,380

Filed: January 22, 2003

For: FLUORO SUBSTITUTED CYCLOALKANOINDOLES,
COMPOSITIONS CONTAINING SUCH COMPOUNDS
AND METHODS OF TREATMENTArt Unit: 1626Examiner: G. ShameemCommissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Patricia J. Richmond Date 11/02/05

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Mollie M. Yang

Attorney _____ For Applicant(s)

Reg. No. 32,718

MERCK & CO., INC.

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Date: Nov. 2, 2005

Substitute for form 1448A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				COMPLETE IF KNOWN	
				Application Number	10/502,380
				Filing Date	January 22, 2003
				First Named Inventor	Carl Berthelette
				Group Art Unit	1626
				Examiner Name	G. Shameem
Sheet	1	of	1	Attorney Docket Number	MC055P

[illegible]

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number Kind Code (if known)		
		PCT	WO 01/79169	Merck Frosst Canada & Co.	10/25/2001
		EP	0 468 785	Merck Frosst Canada Inc.	07/25/1991
		EP	0 234 708	Merck Frosst Canada Inc.	01/20/1987
		EP	0 300 676	Merck Frosst Canada Inc.	07/13/1988
		EP	0 496 237	Farmitalia Carlo Erba S.r.L.	01/13/1992
		PCT	WO 02/08186	Merck Frosst Canada & Co.	01/31/2002

Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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